



City of Carmel

Carmel Board of Zoning Appeals Regular Meeting Monday, May 21, 2007

The Carmel Board of Zoning Appeals met at 6:00 PM on Monday, May 21, 2007, in the Caucus Rooms of City Hall, Carmel, Indiana.

Members in attendance were Kent Broach, Leo Dierckman, James Hawkins, Earlene Plavchak and Madeleine Torres, thereby establishing a quorum. Christine Barton-Holmes, Angie Conn, Rachel Boone and Mike Hollibaugh represented the Department of Community Services. John Molitor, Legal Counsel, was also present.

Mr. Dierckman moved to approve the minutes of the April 23, 2007 meeting as submitted. The motion was seconded by Mrs. Torres and **APPROVED 5-0.**

Mrs. Barton-Holmes gave the Department Report. Items 2-4h, West Carmel Shoppes, Items 14-18h, The Corner and Items 34-39i, Applegate Condominiums have requested to be tabled until June 25, 2007. Item 28-29h, Printing Plus, was one date late with their Public Notice. The Board would need to vote to suspend the rules in order to hear the item.

Mr. Hawkins informed the audience that the Board did not have microphones to use in the Caucus Rooms, so they would try to speak up. He repeated the items that had been tabled until the June 25 meeting.

Mr. Molitor gave the Department Report. The Board conducted an Executive Session prior to this meeting for the purpose of discussing strategy with respect to pending litigation.

Mr. Dierckman moved to suspend the rules to hear Item 28-29h, Printing Plus. The motion was seconded by Mr. Hawkins and **APPROVED 5-0.**

H. Public Hearing:

1h. Monon & Main, Unit 3H

The applicant seeks the following development standards variance approval:

Docket No. 07030030 V PUD Z-462-04, Section 2.13.B 2-car garage requirement

The site is located at 20 Third St NW. and is zoned PUD/Planned Unit Development.

Filed by Todd Rohrbacher.

Mr. Hawkins recused himself and the meeting proceeded under the leadership of Kent Broach, BZA Vice President.

Present for the Petitioner: Todd Rohrbacher, Preferred Funding. He would like to convert the garage into two small offices, so they can have three employees work in the converted garage area.

Members of the public were invited to speak in favor or opposition to the petition; no one appeared.

The Public Hearing was closed.

Mrs. Barton-Holmes gave the Department Report. The Board has received several petitions like this in the past. Parking could be a concern. However, the Carmel Redevelopment Commission is planning to build additional parking in Old Town which will alleviate any parking concerns. The Department recommended positive consideration.

Mr. Dierckman asked when the additional parking would be built.

Mrs. Barton-Holmes did not know if a date had been set, but they were trying to make the parking a priority.

Mr. Dierckman asked if the employees would agree to park someplace other than the street parking and use one of the City owned parking lots.

Mr. Rohrbacher understood and would agree. There are only three employees.

Mrs. Torres asked about the parking garage.

Mrs. Barton-Holmes stated they were anticipating 100 for general public use and 156 spaces for people within this development.

Mrs. Torres stated that his variance goes with the building and has the Board ask in the past for the garage space to be converted back to a garage?

Mrs. Barton-Holmes stated they have been okay with the ones in the past not being converted back to garage space.

Mr. Broach asked if they had commitments in the past for the type of use.

Mr. Dierckman felt they could commitment to this owner's use only.

Mr. Rohrbacher was fine with that.

Mr. Molitor stated that legally the variance runs with the land. It cannot be limited to a certain owner. It can be limited to a specific use and a new owner would have to continue the same use.

Mrs. Plavchak asked for his specific small office use and stated it should be listed in the Findings of Fact.

Mr. Rohrbacher stated it is a mortgage company and real estate small office.

Mr. Molitor was asked to make sure those commitments were in the Findings of Fact.

Mr. Dierckman moved to approved **Docket No. 07030030 V, Monon & Main, Unit 3H** with the **Condition** that the facility may only be used for a small business office. The motion was seconded by Mrs. Plavchak and **APPROVED 4-0**.

Mr. Hawkins rejoined the meeting.

2-4h. TABLED: West Carmel Shoppes - Signage

~~The applicant seeks the following development standards variance approval:~~

~~Docket No. 06120007 V Section 25.07 Sign Chart B sign height~~

~~Docket No. 06120008 V Section 25.07.01.04 off-premise sign~~

~~Docket No. 06120009 V Sections 25.07.01.08, 25.07.02.09 number of signs~~

~~The site is located at southeast corner of 106th St and US 421 is zoned B-3/Business and within the US 421 Overlay. Filed by Paul Reis of Bose McKinney & Evans, LLP.~~

5-13h. Merchants' Square - Signage

The applicant seeks the following development standards variance approval:

Docket No. 07020030 V Section 25.07.02-09.b number of monument signs

Docket No. 07020031 V Section 25.07.02-09.b all tenants not on sign

Docket No. 07020032 V Section 25.07 Sign Chart A sign height

Docket No. 07020033 V Section 25.07 Sign Chart A square feet, monument sign

Docket No. 07020034 V Section 25.07.02-11.b number of directory signs

Docket No. 07020035 V Section 25.07.01.04 off-premise sign

Docket No. 07020036 V Section 25.07.01.04 off-premise sign

Docket No. 07020037 V Section 25.07 Sign Chart A setback

Docket No. 07020038 V Section 25.07 Sign Chart A setback

The site is located at 2160 Keystone Way and is zoned B-8/Business.

Filed by Amanda Gates of Sign Craft Industries.

Present for the Petitioner: Randy Tambourine, Project Manager with Ramco-Gershenson, landlords of Merchants' Square. Since the April 23, 2007 meeting, they have met with the Plan Commission in order to bring the signage into compliance. They would like the new signage to give better visibility to their main tenants as well as marking one of the main entrances at 116th and AAA Way which has no signage at this point. They are also asking for some directional signage within the site to locate some of the tenants within the property. They had prepared some new signage which had been submitted to Plan Commission and also distributed at this meeting. The original sign request was eight feet which has now been reduced to 59 inches. This is only about six or seven inches taller than the present sign. It will not be such a hindrance and will not block the view, but will hopefully still give them the appearance and lettering they want for their tenants.

Members of the public were invited to speak in favor or opposition to the petition.

Opposition:

Jack Badger, 3039 Rolling Springs Drive. At the March meeting he pointed out that Merchants' Square had numerous tenants/businesses that were in violation of the current Sign Ordinance. He felt nine sign variances were too many. He understood that some of the tenants are now in compliance and one is on tonight's agenda. He felt Merchants' Square has the largest sign in Carmel along Keystone and should be able to be in compliance with the Sign Ordinance without any variances. He would go along with whatever the Department of Community Services recommended at this meeting. A hardship has to be clearly defined and stated. Any time a variance is approved, it soon becomes the standard. He asked the Board look at these requests very carefully and examine what the Department is recommending.

Rebuttal:

Mr. Tambourine stated the very large sign on Keystone was there when they inherited the center. It is in a position that any one coming from the west or south of the Center only sees it when they have already gone by the Center's entrance. The reader board is very difficult to maintain because of its age.

Unfortunately they found out the community services announcements were being sent to the attention of someone that no longer worked for the company and no one with the company was aware of the announcements. They have since been in communication with the City and are waiting for the next announcements to put on the reader board. The sign request for 116th and AAA Way is for a main entrance into the Center which currently has no notation. If someone does not make that turn, they need to go past Keystone to turn around to make their way back to the Center. At one point there was a drive, which has been closed, that came into the Center about half way between AAA Way and Keystone. Since its closure, the 116th and AAA Way entrance is a main entrance. This would be especially important for any new tenants so that someone coming to the Center would be able to locate them.

Mrs. Barton-Holmes gave the Department Report. From the updates received that morning, the height of the monument sign has been reduced to 59 inches, therefore, that variance is no longer applicable. However, at issue is still the location of the monument signs, the number of monument signs, tenants represented on the signs and the number of directory signs. With regard to the number of monument signs, the Department recognizes that the Petitioner would want the signs to be highly visible, but there are tenants at that corner that are visible. So the Department did not see a hardship, especially with the sign on Keystone which advertises all the tenants. The tenants at AAA Way do have building signs and wall signs as well. The monument signs are proposed to be in the right-of-way in order to make them more visible and that is a concern. However, the Department supports the variance for all of the tenants not being represented on the sign (07020031). The Ordinance does require that all tenants be represented on the sign. But at a certain point with many tenants, that becomes illegible. With regard to the number of directory signs, it is a large retail development with a number of driveways within the development and the Department supports that variance (07020034). In summary, the Department recommended positive consideration of 07020031 and 07020034. The Department recommended negative consideration of signs being erected within the right-of-way and the number of monument signs (07020030, 07020035-07020038).

Mr. Hawkins asked Mr. Tambourine to point out the various signs on the site plan.

Mr. Tambourine responded that they would like to modify the existing sign on Keystone Way East. They would also like to modify the existing sign at Carmel Drive and AAA Way. The location at 116th and AAA Way would be a new sign.

Mr. Hawkins clarified that the signs that would be off-site and in the right-of-way would be the new sign at 116th and AAA Way and the existing sign at East Carmel Drive and AAA Way.

Mr. Tambourine stated the one on Keystone Way East was an existing sign that would be modified, as well as the one at Carmel Drive and AAA Way.

Mrs. Plavchak stated that she was on the BZA Board when the sign that is an eyesore on Keystone was proposed and she has been regretting that decision ever since it was erected. It does not look like what they were led to believe. The greeting sign has not been kept up. It advertises businesses that are no longer there. If they are going to re-do their signs, she would propose they get rid of the eyesore. If they want additional signs, they should either remove this one or bring it into compliance. Through Mr. Tambourine's admission, by the time anyone sees the sign they have already gone past the entrance. She felt the number one consideration should be doing something with the eyesore before updating their other signage.

Mrs. Torres asked if Mr. Tambourine could bring everyone up-to-date as to what happened at the Plan Commission meeting.

Mr. Tambourine stated he was not present at that meeting, but Amanda Gates could cover the information.

Amanda Gates, Sign Craft Industries. She stated the Architectural Design, Lighting, Landscaping, and Signage (ADLS) received favorable consideration for reducing the size of the monument sign and for the colors. They did not receive any negative consideration for the monuments they presented.

Mr. Tambourine stated the large Keystone sign was not part of this sign request. He would need to take the request to remove or reduce it back to the company for consideration.

Mrs. Plavchak felt the Keystone sign and its disposition should be part of this sign package. She felt they could not talk about the other signs until they come up with some kind of disposition on the large Keystone sign. She felt it did not display a positive image of the Center.

Mr. Tambourine did not have any problem discussing that with the company.

Mr. Dierckman moved to table **Docket Nos. 07020030V through 07020038V, Merchants' Square Signage.** The motion was seconded by Mrs. Torres and **Tabling the Dockets was APPROVED 5-0.**

14-18h. TABLED: The Corner – Signs

~~The applicant seeks the following development standards variance approvals:~~

~~**Docket No. 07030021 V** — **Section 23F.13.01.A** — ground sign prohibited in overlay~~

~~**Docket No. 07030022 V** — **Section 25.07.02-9.b** — total number of signs~~

~~**Docket No. 07030023 V** — **Section 25.07.02-9.b** — number of tenants shown on ground sign~~

~~**Docket No. 07030024 V** — **Section 25.07.02-9.d** — ground sign height~~

~~**Docket No. 07030025 V** — **Section 25.07.02-10.e** — location within proposed road right of way~~

~~The site is located at the southwest corner of 116th St. & Range Line Rd. The site is zoned B-3/Business within the Carmel Dr — Range Line Rd Overlay.~~

~~Filed by Paul Reis of Bose McKinney & Evans LLP.~~

Mr. DeBoy asked if Item 23h could be heard before Item 22h. Mr. Molitor stated it would need a motion.

Mr. Dierckman asked for an explanation.

Mr. DeBoy's client stated the first one was more controversial and they may want to get 23h out of the way before hearing 22h.

No motion was made.

22h. Brookshire Village, Sec 2, lot 79

The applicant seeks the following development standards variance approval:

Docket No. 07040015 V **Chapter 26.02.19.D** **platted building setback line**

The site is located at 12367 Brompton Rd. and is zoned R-2/Residence.

Filed by DeBoy Land Development Services.

Present for the Petitioner: Mike DeBoy, DeBoy Land Development Services, representing M One Construction for the rear setback for the property located at 12341 Brompton Road. Based upon his understanding, the facility encroaches into the rear platted setback by approximately 8.6 feet. There is a platted setback of 115 feet off the center line of Gray Road. This property is situated 8.9 feet closer than 115 feet. One of the issues from the Department's point of view is that this is not in compliance. He pointed out the house setback is still greater than the S-1 Zoning, so they are not in violation of the base zoning as set forth in the Zoning for the City of Carmel. The second item is more of a physical nature. Based upon physical inspection and use of the Hamilton County GIS website, there appear to be four homes within the same block south of this that have the same rear encroachment. Based upon looking at it, one house at 12325 Brompton which is two parcels south of this one, lines up with the rear face of the subject building (12341). On the Hamilton County GIS website that measures approximately 108 feet from the center line of Gray Road to the back of the house which is consistent for the area they are talking about.

Mr. Hawkins asked for photos of the area.

Mr. DeBoy showed pictures of the house in question and the 108 feet taken off the back of the other property. South on Brompton Avenue and west of Gray Road and north of Bentley Drive, there are three houses that have the same issue. One house is located at the corner of Brompton and Bentley at 12271 and it is 103 feet according to the Hamilton County GIS. Two and three houses north of that, at 12287 and 12291 Brompton, also measure 103 feet which is closer than the house that is seeking the variance. While they are in violation of the platted setback, they are not in violation of the setback set forth by Code. They do not feel they are setting a new community standard because the other homes in the area set the same distance from the center line of Gray Road

Members of the public were invited to speak in favor or opposition to the petition.

Opposition:

Al Warne, 12337 Brompton, immediately south of Lot 81. The residents in the community generally followed the regulations and have received variances when they went beyond the required plat design. Secondly, there are a number of injured parties when something is permitted that did not have a variance before it was started and people had a chance to state their objections. That sets a bad precedent.

Jan Douglas, 4639 Aldersgate, representing approximately 25 residents. They object to this variance. She felt the hardship that existed was for the one ranch home which is between these two properties that are over-built to the rear. The ranch has a porch which is beyond the build line, but they applied for a proper variance. Now they are walled-in by these two homes.

James Toombs, son of George and Nancy Toombs at 12353 Brompton, between these two properties. The encroachment of this home is significantly different in terms of style than the encroachments and variances that have been granted in the past. The past variances have been granted for sunrooms and porch areas, not for the entire length of the back of the home. From his parent's perspective, they are most concerned that this project has been ongoing for over six months and the variance was not requested prior to the building going up. The exterior walls have already gone up. They had been told that the City had been informed and approved the plans and everything was taken care of. Now they find out it was not and it is a difficult situation that has been going on improperly. They would like to have whatever solution comes about as a result of this to be taken care of as soon as they can.

William Branich 12246 Charing Cross, which is an integral part of Brompton. This entails Item 22h as well as Item 23h. The Toombs house is in between these two Items. This has been an ongoing problem that's been quite a discussion throughout the entire Brookshire community of 215 homes.

Kevin "Woody" Rider, 1473 Second Way which is not in the neighborhood. While campaigning recently for City Council, he walked this neighborhood and knocked on every door. He was taken to the location. His thought in this situation they were asking for forgiveness rather than a variance. They have already done it without the proper variance. He thought it would set a precedent by giving the forgiveness afterwards. Plus the covenants of neighborhoods should be respected. If this is granted, the ability for the residents to have any governance over their neighborhood would be denied. He did not think the style on the front reflected the style of the neighborhood. He felt the neighborhood has to have some ability to govern what goes on.

Nancy Kelso, 12374 Brompton Road, directly across the street. She was representing herself and another neighbor who could not attend the meeting. Their question was how did we get to this place? They understood that building plans were submitted and she had seen inspections taking place. They did not have stop work orders on two homes that went beyond the setback. The City did not catch it and obviously the builder did not catch it. They were not stopped until another homeowner, who lives next to one of these properties, wanted to do a remodeling project. When he came in for permits, he could not do his project because he was beyond the setback. His project was caught, but the other two were not. How do they insure that this does not happen again? As homeowners they are anticipating the City is taking responsibility to do what needs to be done when these plans come in and inspections are done. It is an expense to the builder because he already has a full structure with foundation and walls. No one would be in this boat if some one had caught it.

Rebuttal:

Mr. DeBoy understood that this was an honest mistake. They were not begging forgiveness after the fact. This was not something maliciously done to harm any of the citizens of Brookshire Village. It was an honest mistake. As it was pointed out by various citizens, variances have been permitted in the past. His experience is that variances are granted not because someone wants to build over the setback, but something has occurred. Regardless, there is precedent for this Board to grant these variances. They are not trying to do something that is odd or unusual as far as positioning or relationship to easements. These structures are outside the public easements for utilities. They are outside or beyond the setbacks as called for by the Ordinance. They are consistent with other structures in the immediate area as far as positioning. They are asking for forgiveness for an honest mistake. They are not trying for a position or situation that is unusual or has not been encountered previously.

Nathan Thornberry with M One General Contractors. He is the builder. He had a mortgage survey. He has done work in the community and cares about the community. There are six properties connected, some of which have received variances to go to where they want to go. When they bought the two-story, they could not close on it because of a survey issue that came up with a chimney from a neighbor. The same surveyor, who came for the mortgage, came on behalf of the Board with a slightly different result. He misread it and it made sense. When you look down the line, there are several houses built out. At this point in time, it would be extremely expensive, even if that is not a consideration of the BZA Board. That is a hardship. Once a variance is granted, that does become a precedent. Others have gotten the variance and they are asking for it also. He knows the neighbors and had delivered a drawing of the changes he was making to the house. He had given his phone number and the only thing he had gotten back, after his assistant Luke knocked on every door in the

neighborhood, was two phone calls fairly neutral and one letter saying thank you and you have my approval. He had a couple ask if he wanted them to come tonight and perhaps he should have brought them.

Mr. Molitor stated it appeared from reviewing the application and what was presented that this is a matter over which the Board does not have jurisdiction. They are requesting a variance from a setback line in a plat. The Board only has jurisdiction to grant a variance from the Zoning Ordinance. Perhaps the City should have advised them they needed to get permission from all the neighbors in order to get some sort of alteration or modification from the Covenants and Restrictions. The BZA Board cannot grant that. His recommendation was to dismiss both of the Dockets and offer to refund the filing fees to both petitioners.

Mrs. Torres asked where they would go.

Mr. Molitor stated these are restrictions in a plat and they would have to get consent of the other landowners in the Subdivision, according to the Covenants and Restrictions that were approved with the initial plat.

Mrs. Torres asked about the other landowners who said they had filed for variances.

Mr. Molitor stated there may have been, but he did not recall any variances that this Board had attempted to grant from a plat.

Mr. Dierckman and Mr. Hawkins did not remember any.

Mr. Molitor stated there is case law to the effect that it is not relief that the Board can grant.

Mrs. Plavchak asked what recourse the owner or builder would have, since it is partially built.

Mr. Molitor stated it was a private matter among the landowners in the Subdivision. It is unfortunate no one at the City advised them the City could not issue a permit.

A five-minute recess was taken to review this.

Mr. Hawkins stated after consultation with Counsel, he recommended **Docket Nos. 07040015V and 07040016V** be dismissed. The motion was seconded by Mrs. Torres and the motion to **DISMISS** was **APPROVED 5-0**.

Mr. Hawkins stated this is not an issue for the BZA. It is an issue for the Homeowners Association to determine. There are legal rights through the Homeowners Association and it is part of the plat and Covenants. The BZA does not control those.

23h. Brookshire Village, Sec 2, lot 81

The applicant seeks the following development standards variance approval:

Docket No. 07040016 V Chapter 26.02.19.D platted building setback line

The site is located at 12341 Brompton Rd. and is zoned R-2/Residence.

Filed by DeBoy Land Development Services.

A ten-minute recess was taken.

24-27h. CW Weidler's Addition, Lot 66 (part)

The applicant seeks the following development standards variance approvals:

Docket No. 07040005 V	Section 8.04.03.B	side yard setback
Docket No. 07040006 V	Section 8.04.03.A	front yard setback
Docket No. 07040007 V	Section 8.04.03.F	lot cover %
Docket No. 07040008 V	Section 8.04.03.D	rear yard setback

The site is located at 230 5th Street NE and is zoned R-2/Residence.

Filed by Myles Hager.

Present for the Petitioner: Myles Hager, homeowner. He had purchased the property in 2001. It is 670 square feet with a detached garage. The foundation walls of the garage have pulled away from the slab. He has put in several turn buckles and crossways to keep the garage racked. It is time to give up. He would like to rebuild the garage and while he was at it he would try to enhance the property value and connect the garage to the home. The home is already on the property line and the garage is about a foot and a half off the property line. Any renovations are going to require a variance because they would be against the five-foot side yard easement. It was recommended that he apply for all the variances for all the project needs. He would like to add 20 feet to the back of the building. The back of the property is bordered by a field. The left side is bordered by a 12-foot County unimproved alley. To the rear of the property are three vacant wooded lots and fields. With improvements, the building would have about 40 percent lot coverage. His overall goal is to increase the property value and make it more livable.

Members of the public were invited to speak in favor or opposition to the petition; no one appeared.

Mrs. Barton-Holmes gave the Department Report. As stated the garage does encroach and the house is setting on the property line. This is a smaller parcel located in Old Town which was built many years before current standards. In order to meet current standards, including the house size of 1100 square feet, the Petitioner would need to raze both structures and rebuild entirely. Rather than do that, the Petitioner is re-orienting the garage doors to the side and making some additions to the rear. This section of 5th Street is heavily wooded with a sharp curve and eventually dead-ends. It is not heavily traveled. Because the site and the surrounding sites are heavily wooded, the additions will not be particularly visible except from adjoining properties. The Department recommended positive consideration of all the petitions.

Mr. Hawkins moved to approve **Docket Nos. 07040005V-07040008V, DW Weidler's Addition, Lot 66 (part)**. The motion was seconded by Mr. Dierckman and **APPROVED 5-0**.

28-29h. Forest Glen, Lot 3 - Printing Plus

The applicant seeks the following use variance & development standards variance approvals for an office use in a residential district:

Docket No. 07040009 UV	Section 6.01	permitted uses
Docket No. 07040010 V	Section 2.09	compliance with Thoroughfare Plan

The site is located at 2110 E 96th St. and is zoned S-2/Residence. Filed by Rex Neal.

Present for the Petitioner: Rex Neal. He has had his business for twenty-six years. They work with computers to print on small plastic cards, such as photo ID's and barcodes. They do not use heavy equipment, chemicals or big trucks. It is just computers with two photo-imaging pieces of equipment

about twice the size of a laser printer. He understands the concerns of the neighbors, but feels he will benefit the area. His present location has tripled in value since he has been there. He fixed up the place and he is an excellent neighbor. He distributed photos for the Board and public viewing. He felt his business would be less noisy than a resident. The current occupants are renters and are no problems. But sometimes renters can be a problem with barking dogs, broken down cars, multiple families, etc. The area on 96th Street is becoming busier and less desirable for residents. Currently the rent does not cover the mortgage. He would fix up the property to use for his business. He basically has a UPS delivery three or four times per week. There are only a couple of cars. There are three employees and they are part-time working moms. The current renter is in and out all the time with his door and window replacement work. Mr. Neal does not have any trucks or machinery. A beauty shop could have ten or fifteen customers per day which would increase the traffic on 96th Street. He felt he would be decreasing the traffic by only coming and going one time per day. He hopes to retire in fifteen years and this would be his last change. He would maintain the property. He did not know what he would get in the future with renters. He would not need any extra lights or signage. He would not be changing the structure. It would continue to look like a residence. He felt he would be an excellent neighbor and what the neighborhood would expect for maintaining the property. He did not understand the Department recommendation because of the Thoroughfare Plan. He did not feel he would be increasing the traffic on 96th Street. The Comprehensive Plan currently calls for low-density residential use and he felt his use would be pretty low density. He would be there all day and some nights and maintain the yard. He did not feel it was a commercial use. He would not be negatively affecting the quality of life for adjacent residents; he would be a positive effect. He did not feel it would negatively affect the value of the adjacent properties.

Members of the public were invited to speak in favor or opposition to the petition.

Opposition:

Pat Rice, 9659 Wild Cherry Lane, speaking on behalf of Wild Cherry Corner. The docket number had been changed for this item. This was submitted in October 2006 as 06090012 UV and she had sent the Board information at that time. This is a violation of the Forest Glen Covenants which perhaps were not researched. To her knowledge, the Petitioner has not met with any of the residents. The pictures he had shared were not pictures of the property on 96th Street. A conceptual plan has already been presented to the Plan Commission and City Council for this area. They believe this kind of exception will hinder the progress of planning toward a unified approach for 96th Street and Westfield Boulevard area. She felt an overall unified plan would be in the best interest of the community. That has been put on hold for a while until the Comprehensive Plan work is resumed. Then this would be brought forward to be incorporated into that Comp Plan. This need for a variance does not arise from a natural condition peculiar to the subject property. "A highly trafficked corridor," she quoted from the Petitioner's comments, exists for every residence in the community. This is not peculiar to the subject property. It does substantially interfere with the present Carmel Clay Vision 2020. She believed the Petitioner misstated that the current plan amendment shows 96th Street as a primary arterial. This particular section of 96th Street is designated as a secondary arterial; Chapter 2, page 5 of the 96th Street Corridor Study. The present plan by the City shows this section of 96th Street's future to be a two-lane parkway with the median eliminating all driveway cuts; sort of like the new section on Westfield north of 96th Street. They felt this would put the entire area at risk for preservation and/or redevelopment.

Ron Schafer, 9604 Maple Drive, first house east of the property. Earlier this afternoon he called Mr. Neal to talk about the proposal. They had not talked earlier about the proposal. He was not sure Mr. Neal owned the property. He thought it was owned by Jackie Hill.

Mr. Neal commented they both own the property.

Mr. Schafer stated that with the aluminum windows, the current renters were very cold this past winter. Mr. Neal would not go along with them to replace the windows and that is the current renter's occupation. He understood window replacement was happening now through the other homeowner. The current renters have been tremendous neighbors. They have fixed the house up, planted beautiful flowers and have a nice garden in the back. He was concerned about Mr. Neal's comment that he did not have a lot of money to fix up the property. The house just to the east of his property, which is across Maple Drive, is a full-time business. He did not know if the City was aware of that. He was going to bring it to the City's attention in the next few days. There is a house on Kittrell that is an insurance and real estate office. He understood they can live in the house and still have a business. He was concerned about their sign in this residential area. He was not in favor of these variances.

Mike Dooley, 9622 Maple Drive. He is for improvements to the neighborhood. There is a business running out of the house at the northeast corner of Maple and 96th Street. He was not sure what the business does, but he sees a lot of traffic. He knows that the owner of that house has bought a house north of that house as well. It is not clear what is going on and it is causing a lot of commotion within the neighborhood. He also commented the house in the picture was not the house on 96th Street.

Mr. Neal commented it was the current location of his office, showing the improvements he has made.

Mr. Dooley felt there was reasonably affordable business space available elsewhere. He was against spot zoning. He has attended numerous meetings and knows the area will change. It would be nice to have an overall idea of what is going to happen to 96th Street as opposed to cutting and pasting in this area.

Rebuttal:

Mr. Neal confirmed this item was on the agenda under a different docket number in October. He had to drop it because he needed to care for his ailing mother. The house in the pictures is on 75th and Westfield Blvd. He was just showing what he started with and how it ended to increase the value of the property. He thought that would be advantageous to the neighbors to have the property well maintained, as opposed to renters. He is not destitute, but he has his current house on 75th Street and the one on 96th Street. If he were to get another one for his business, it seemed he would be more willing to work on the one with his office as opposed to the rental one. Generally rentals are not the best kept properties. He would keep it up, but if he were there he would fix it up the best he can. With regards to the tenants freezing to death, that was not entirely accurate. The windows have been replaced. They had complained about the high heating bill, but everyone had high heating bills in the cold weather. They did have the furnace go out on a holiday, and he paid the extra to have the service call on the holiday. He chose 96th Street because he likes working out of a home with the relaxed atmosphere. He spends a lot of time there, working about 60 hours per week. He eats most of his meals there.

The Public Hearing was closed.

Mrs. Barton-Holmes gave the Department Report. Staff recognizes that this particular use would not be that intense, but the concern is with commercial uses on this stretch of 96th Street. Other than the house they just found out about today on Maple Drive, there is no commercial use except for the insurance office. The two lanes on 96th Street are still functioning as a residential street, although there is a commercial load of traffic. They have a concern with piecemeal commercial development and turning residences into commercial uses. This one may not be that intense, but the next one could be. They have

seen a number of instances where residential streets are gradually converted to commercial streets through various offices on the street. It eventually erodes the character of a residential street. It increases traffic and additional curb cuts that people have to navigate, making safety concerns. The Comprehensive Plan does currently recommend low-density residential use. The property can continue to be used in that manner without hardship. Because the proposed use would utilize the entire house instead of 15% for a home occupation and because it does represent the beginning of commercial encroachment into a residential area, the Department recommended negative consideration of the two requests.

Mr. Dierckman moved to approve **Docket Nos. 07040009UV and 07040010V, Forest Glen, Lot 3-Printing Plus**. The motion was seconded by Mrs. Plavchak and **DENIED 1-4**, with Mrs. Torres casting the one favorable vote.

30-31h. Merchants' Square: Qdoba

The applicant seeks the following development standards variance approvals:

Docket No. 07040011 V Section 25.07.02.12.B Number of window signs

Docket No. 07040012 V Section 25.07.01-04 Prohibited signs, A frame

The site is located at 2328 E 116th St. and is zoned B-8/Business within the SR 431 Overlay.

Filed by Doug Kauffman of National Image Solutions.

Present for the Petitioner: Greg Willman, 13104 Thomas Morris Trace, co-owner and President & CEO of Aztec Partners, owners and operators of Qdoba Mexican Grill and Restaurants in the State of Indiana and Steak n Shake Restaurants in Myrtle Beach, South Carolina. Also present was Doug Kauffman, National Image Solutions. They have been working together for about ten years and this is the first time they have been before a Board of Zoning Appeals. They are proposing window signage at the Merchants' Square location. They have been operating at this location since October 1998. Since they have been open the majority of the sign package that they were requesting has been up at this location. The item that is in question is a breakfast sign. It was his understanding that Staff would make a recommendation against approving this sign. Staff calculation is about three to four feet over the permitted size. They think it is only about two feet. There is no dispute they are over the Ordinance. From the comments made earlier by Mr. Badger, they are not willfully and knowingly in violation. When they opened in 1998 and put up the signage, they were in compliance with the Ordinance. In January 2007 they made the decision to open for breakfast in all their locations. At that point they wanted to create a sign package at this location that is identical in every way to every Qdoba in the State of Indiana, including Clay Terrace. After they put the sign package in place, which they thought was within the guidelines of the Zoning Ordinance because of the experience at Clay Terrace, they were notified by the City that they had an issue. They immediately responded by filing a Zoning Variance. He spoke with Kevin Brennan, Code Enforcer, to make sure that Kevin knew they were aware of the problem. Kevin told him it was fine to leave the signage up while they were pursuing a variance. His field inspector did request that they take everything down, including their Open sign. They felt it was an over-reaction. They got in touch with Kevin, explained the situation and as a Carmel resident pledged his full cooperation. The hardship is that the Center has consistently gone downhill in their ten years of operation. He wished the Ramco-Gershenson representative was still in the room. It is a difficult place to do business and Ramco is a difficult company to do business with. They are represented in this market by the same broker that represents the Center for Ramco. It took them six months to get a phone meeting. Ramco is disinterested in what is going on with the property. He has a strong interest in this property and they want to continue to do business there. For that reason they want what they would call "full-trade dress" at this location, which is on-site merchandising of

everything they do. Basically it is the additions to the "Open" sign which are "Catering" and "Breakfast". Catering and Breakfast represent about ten percent of their sales at this location. This is a marginally profitable location. If these sales are lost, it would not be hyperbole at all to say that they would be seriously looking to close this location when the lease renewal comes up in 2008, particularly given the lack of response from the current landlord and developer. It is the lowest volume location in Central Indiana and the second lowest in their entire chain of 20 restaurants. There is a real legitimate business issue for them to do what they are doing. Again, they did not do it with any willful disregard for the Ordinance. They thought they were doing it in a consistent fashion with what they had done in other locations here in Carmel. What they are asking for is exactly what they have at their other locations.

Mrs. Torres left the meeting.

Members of the public were invited to speak in favor or opposition to the petition.

Opposition:

Jack Badger, 3039 Rolling Springs Drive. He felt this item raised some specific interest. There are currently three neon signs in the window including a "Corona Beer" sign which he understood was illegal. The "Open" sign has an additional logo on it and the Sign Ordinance says "Open" only with no additional information. The definition of a sign in the Sign Ordinance is that it identifies the business; it is not for advertising. "Open for Breakfast" is advertising. In his opinion, three signs are too much. It was his understanding that the A-frame sign that had been requested was not within the Sign Ordinance. He felt sorry that they had a problem with the landlord. He did not think signage made a business successful. A business was successful because of good food, good service and good prices. He was afraid if the BZA and City allowed Corona Beer signs, enlarged Open signs and Open for Business advertising signs, they would be opening the floodgates for others. The other locations in Carmel with the same kind of signage are also in violation and should be addressed.

Rebuttal:

Mr. Willman stated the beer sign has been there since day one. They have no problem taking it down. It was provided by the distributor. The A-frame sign, with the breakfast menu, typically goes up when they launch breakfast in a location. There is no problem not using it. The "Open" with the logo is not the full logo. It says "Open" with a nine inch Qdoba cactus. It is exactly the same cactus that is on their sign. The Zoning Ordinance says they can have the name only, but if there is a trademark logo, it can be included. They could have a business philosophical discussion as to whether advertising leads to business success. This location was struggling badly at the end of last year, to the point of contemplating not renewing the lease. Since the signage went up in January and word got out on a wider spread basis about catering and breakfast, which they cannot afford to advertise individually at this particular location, they have had double digit growth at this location. That double digit growth has them in the range that they can seriously looking at relocation within Merchants' Square or they can keep this location. If they go back to pre-January volumes, it is very unlikely they will be in Merchants' Square after the first of the year.

Mrs. Torres rejoined the meeting.

The Public Hearing was closed.

Mrs. Barton-Holmes stated there have been several petitions come through for Merchants' Square for excessive signage. This particular instance, with the A-frame sign gone, would be reduced to the "Open"

sign which measures about 3.33 square feet; "For Breakfast" measures about 2.16 square feet and "We Cater" measures about 1.197 square feet. Altogether they are just over 3.5 square feet over what is permitted. They are permitted to have one sign that measure 3 square feet which is typically an "Open" sign. They are also permitted to have a wall sign that is 45 square feet. Their wall sign is compliant. Because they are permitted to have a wall sign and a neon sign for a total of 48 square feet in allowable signage, Staff has taken the position that the other signs are excessive and therefore recommending negative consideration of the number of window signs.

Mr. Dierckman agreed with the remonstrator, there is far too much neon signage. He appreciated what the Petitioner wanted to do, but the difficulty was the City needed to start enforcing the Ordinance. He knew they were making a conscious and active effort, because there are a lot of places not in compliance. They need to cut back on all the neon signs. That is why they have the main sign. Everybody is going to have to start following the rules.

Mrs. Plavchak asked Staff if the 45 square foot wall sign was reduced in size would that help. She asked Mr. Dierckman if the issue was the number of signs or the total square footage.

Mr. Dierckman thought there was a limitation on the number and the size of the signs. He felt everyone should adhere to the same rules. A prime example is Noble Roman's and their new Tuscan Restaurants. They have neon everywhere on the restaurant at 131st and Hazel Dell. Everyone knows they are there, it is just additional advertising. Like Qdoba, if you are going there that sign is visible when you drive by inside the development. It becomes obtrusive when everybody along every strip has all these signs in their windows. That's what we need to get a handle on. No one should have an unfair advantage over others. We need to do a good job of enforcing the current rules, instead of granting these kinds of variances.

Mr. Hawkins asked if these were permanent signs or was there a way of rotating between the three of them to help with their goal. Are they so permanent they cannot be moved?

Mr. Willman stated they are just hanging in the top of the window; suspended by chains. He did not know if it would be practical, but it would be possible.

Mr. Hawkins asked if it would be possible to grant the variance for the 3.33 square feet, because that is over 3 square feet and then they could rotate the signs as they wished. Then they would have one of those three signs.

Mr. Willman stated it was possible and once they were in compliance they could do whatever they like.

Mr. Hawkins stated that the Board would be granting the .33 square feet to bring them into compliance.

Mr. Kauffman and Mr. Willman both stated there was some dispute with the way the signs were measured and the amount they were over.

Mr. Kauffman, 5295 Shiloh Falls, Carmel. He thought they were 2.4+ over the total and Staff was measuring the black plex that supports the neon. The Ordinance states they do not have to measure the structural part of a sign. If just the copy area is measured, they are only 2.4+ over the total.

Mrs. Torres asked about the signage for Qdoba being allowed in Clay Terrace with the three signs.

Mr. Willman stated they had submitted exactly the same trade dress when they opened. It was the most restrictive process they had ever gone through.

Mr. Kauffman stated they had received ADLS approval after two or three meetings.

Mr. Willman felt what they did was tastefully and professionally done. They were very willing to work with Staff for a middle ground to be able to communicate their messages for effective signage.

Mr. Dierckman asked if Clay Terrace was in compliance. He wanted to make sure everyone was playing by the same rules.

Mr. Willman stated Clay Terrace is a PUD and everything is visible from the exterior.

Mr. Kauffman thought it was a store-front treatment.

Mr. Willman stated the "Corona" sign was not at the Clay Terrace location. It is not up in too many places anymore and it can come down at the Merchants' Square location.

Mr. Kauffman stated they tried to research what the Ordinance said in 1998 when they opened the restaurant, but as far back as he could go was 2002. So he could not testify to what the Ordinance stated in 1998.

Mrs. Plavchak asked if "Open for Breakfast, We Cater" could be placed on one neon sign.

Mr. Willman stated they need to communicate the message.

Mr. Kauffman stated it could not be done with a three square foot neon sign because they would be restricted on the letter size. Neon comes in straight pieces of neon glass and when they start to bend it, it is very restrictive on how small they can go. It would not be legible and if it's not legible they wouldn't want to put it up. That would be counter-productive.

Mrs. Plavchak asked if they could make a sign that would fit the Ordinance to get their message out, but it would not necessarily be neon.

Mr. Kauffman stated it could meet the sign regulation, but he didn't think it could fit into the square footage regulation and still be legible.

Mr. Willman stated they would need some relief for the square footage.

Mr. Hawkins asked if there was any flexibility from the Department's standpoint or should the Board go ahead and vote at this meeting.

Mrs. Barton-Holmes did not think they would be too flexible on the final size of the sign. They would not be flexible on the additional number of signs. The possibility could be something other than neon.

Mr. Willman stated they would be happy to try to come up with a better solution.

Mr. Dierckman did not want to create a gray area. It needs to be cut and dry, either they are in compliance or they are not in compliance. They need to know the rules and be able to adhere to the rules so they don't have these problems. Qdoba should complain to the City about the number of Noble Roman's signs. The rules need to be in place and not be lenient for some people and not others. They are working on Noble Roman's signage now and they will probably be here for a variance. If we want everybody to have three or four signs, let's change the rules. If he were a small business, he would want six signs, too. From a programmatic standpoint, if they are going to enforce rules, they have to be clear, understandable and nonnegotiable every time.

Mr. Kauffman agreed about the Noble Roman's signs. He lives in the area and it is ridiculous. The main difference is their exterior wall sign says "Noble Roman's Tuscan Subs" and their neon signs say "Noble Roman's Tuscan Subs". Qdoba is trying to save ten percent of their sales and possibly save this restaurant in this location. Merchants' Square has about six to eight vacant tenant spaces and there is a good reason for that. Some of it may be directly accountable to signage. One of the gentleman's comments on what makes a good restaurant is kind of inaccurate. Studies have shown that demographically every business will lose 25% of the people in their trade area every year. It doesn't mean the population decreases, because 25% more people move in. What that means is that every four years you completely turn over your customer base. And if you can't tell those customers we serve breakfast or we cater, they are not going to know.

Mr. Dierckman stated that no one was telling them that they shouldn't say that to their customers, it's the manner in which you are saying it to the customers that was being debated. They can achieve the same thing with different kinds of signs. They can achieve it once the customers come in the door. He felt they first have to get the customer in the door before they can start promoting catering to them. If variances are required to this frequency, then the law is bad. Until it is changed so they can adhere to it, the Board needs to be steadfast. Then everybody in Carmel can have the same number of signs and everybody is playing on the same turf.

Mr. Willman totally agreed. The only thing he would caution as a resident and a businessman, he knows people that do not come to this market because they cannot do the things they want to do. It is not that Carmel is underserved by any stretch and that was not what he was trying to imply. But there are real implications to those kinds of decisions and maybe that is a valid point for consideration to take a look at the Sign Ordinance and see if it needs some tweaking. They will happily abide by whatever decision gets made and talk with Staff if that is the decision.

Mrs. Plavchak moved to approve **Docket Nos. 07040011V and 07040012 V, Merchants' Square: Qdoba**. The motion was seconded by Mr. Hawkins and **DENIED 0-5**.

I. Old Business

32-33i. Hamilton Beverage

The applicant seeks the following development standards variance approvals:

Docket No. 07020025 V Section 25.07.02-08.c maximum sign square footage

Docket No. 07020026 V Section 25.07.02-08.b sign oriented east

The site is located at 2290 E. 116th St. and is zoned B-8/Business.

Filed by Mary Solada of Bingham McHale, LLP for United Package Liquors.

Present for the Petitioner: Mary Solada, Bingham McHale and Brad Rider, United Package Liquors. Since there were two members absent at the last meeting, she briefly went over what had happened. United Package Liquors purchased Hamilton Beverage in September 2006. Since that time, they have attempted to improve upon the appearance of this building which is one of the outlots in Merchants' Square and faces 116th Street. At the March 29 Plan Commission Special Studies Committee meeting façade improvements were approved and not tonight's signage. At the meeting some elevations changes were made. There are currently two tenants in this building. Verizon is moving out of the building. That has precipitated more floor space for Hamilton Beverage which has allowed them to improve the exterior appearance and eliminate the signage for Verizon. They have removed the window signs and are working to enclose the dumpster. The Sign Ordinance allows a 45 square foot sign which looks out of scale for the building. They proposed a 95 square foot sign at the last BZA meeting. She felt the proposed 75 square foot sign looked puny on the building. They would like to move forward with updated signage. The existing signage is 30 years old. That 30 year old signage is grandfathered for that signage only and they would like relief from the Ordinance for the replacement signage. They feel the proposed signage is much better-looking for this important corridor in Carmel. They are going to lose about 75% of the current signage size the way the Ordinance reads and that is a significant decrease. They proposed a decrease in signage with examples of three different sizes. The Ordinance permits 45 square feet. From one of the examples, 45 square feet looked out of scale with the size and elevation of the building and was barely noticeable. At the last meeting they had requested 95 square feet as shown. The example of the 75 square feet, a compromise that was discussed last time, looked sort of puny against the elevation. She questioned its ability to convey the message to the customer. They had anticipated the concerns about window signage and they have been removed. This property is going through a re-branding. The items carried now are different than the previous Hamilton Beverage. There is now an emphasis on fine wines and much less emphasis on beer. Therefore, the beer signs were removed. It is now a more upscale situation. The three members present at the last meeting appeared to be open-minded to a variance situation. The Department does support the request for the variance for the east side of the building of 50 square feet in signage. They would really like to have the 95 square feet on the 116th Street elevation. In their opinion, it is not overbearing.

Members of the public were invited to speak in favor or opposition to the petition.

Opposition:

Jack Badger, 3039 Rolling Springs Drive. He complimented the Petitioner on the upgrades they had made. He would not be against the sign for the east side of the building. Even though it is on a private road, it is almost a public right-of-way going into Merchants' Square. If they proportioned a sign to the size of the building, then the Meridian Corridor has some signs that should be about 50 times larger, but they are within the Sign Ordinance. Wendy's, Hardee's Jiffy Lube, National City Bank and many others along 116th Street fall within the Sign Ordinance. Why give this long, rectangular building a sign that is beyond what the current Sign Ordinance permits. He did not feel it was a safety issue. He recommended they have signs that are within the Sign Ordinance size on the east and south sides of the building. He showed a picture of the open dumpster with trash that blows out onto the lot. He commended them for wanting to be within the Ordinance and have an enclosed dumpster. However, he believed they were proposing to use a wooden wall that will eventually turn black and moldy. He felt they should build an enclosure similar to the National City Bank that is brick with a wooden door. They should use a material similar to their building so that it would blend with the building.

Ila Badger, 3039 Rolling Springs Drive. She had been on the BZA for nine years, the Plan Commission for ten years and she had chaired the Sign Ordinance Committee. She felt that people thought the Committee just pulled numbers out of thin air for the Sign Ordinance. They worked over a year with representatives from the Chamber of Commerce, sign companies, general public and business owners on the committee. They met on a monthly basis and worked and compromised. They took into account the speed of traffic, the size of the buildings and the setbacks from the street. It was a very well thought out and very meticulously planned Sign Ordinance. This Sign Ordinance has been so successful in Carmel that Noblesville has copied and adopted it.

Rebuttal:

Mrs. Solada stated there was no one's residence affected by this sign. This sign is surrounded on all sides by commercial uses. There is a subdivision down the street but no residences in the immediate area. They do not need to prove hardship in a Development Standards Variance. They have to prove three findings. Number one is approval of the variance will not be injurious to public health, safety, morals and general welfare. What they are proposing is a reduction in the current signage. It is not their desire, because they have spent a lot of time and money in re-branding this store, but they could legally leave the current sign in place. But that was not what anyone wanted. They are reducing the sign from 108 square feet to 95 square feet. That is why they did not feel the variance was injurious to the public health, safety, morals and welfare. Number two is the use and value of the area adjacent to the property will not be affected in a substantially adverse manner because it amounts to a reduction in the amount of signage on the building. Number three is the strict application will result in practical difficulties in the use of the property because the Petitioner will be penalized from making improvements to the property through a decrease in allowable signage to meet current sign standards. Please keep in mind that the Petitioner is spending over \$300,000 improving a building they do not own. It has a lease with a landlord that does not even own the land. There is a ground lease to the Fineberg Family and the Fineberg Family leases to the Petitioner. Hence, there is some hesitancy to spend additional money on a masonry dumpster enclosure on property they do not own. They have committed to build a surrounding for the dumpster as shown in the packet. They felt this was a positive thing for the community. The re-branding has been successful in the marketplace and they look forward to having smaller, more attractive signage.

The Public Hearing was closed.

Mrs. Barton-Holmes gave the Department Report. After looking at the revisions, they would still prefer to see the signs be compliant at 45 square feet or smaller. They are permitted one sign on the south or 116th Street elevation. They supported an eastern facing sign. The current eastern sign is considered to be grandfathered. They would also encourage a masonry dumpster enclosure for durability. Stockade enclosures usually do not last long and need to be replaced. The Department continued to recommend negative consideration of the request for maximum sign size, Docket No. 07020025 V and positive consideration of the sign oriented east, Docket No. 07020026 V.

Mrs. Plavchak noticed the trashy stuff in the windows when driving by, not the signs. Her thought was to clean up the windows and remove the stacks of cases.

Mr. Rider stated they had taken the neon signs out of the window and the cases were being moved.

Mrs. Solada stated that once Verizon moves out the end of May, Hamilton Beverage will be taking up more floor space. The desire is to prevent things from stacking up in front of the windows, which doesn't look good.

Mr. Rider showed pictures of the Geist location.

Mrs. Plavchak agreed that it looked much nicer.

Mrs. Solada stated that the eagle is part of the new branding and part of their logo and signage measurement. If the eagle is removed, the branding is removed. They would prefer the 95 square foot sign but they would substitute the 75 square foot sign for the Board's approval.

Mr. Hawkins stated he could barely read the red script on the 45 square foot sign in the picture that was taken from across the street. He would be comfortable with the 75 square foot sign.

Recorder stopped.

Mr. Dierckman asked about the length of the lease and if they would consider a brick enclosure for the dumpster.

Mr. Rider stated their lease for the building is ten years. He would commit to painting the stockade enclosure each year.

Mrs. Plavchak suggested the enclosure could be block with an uneven rough finish.

Mr. Rider stated the landlord will not pay for the dumpster enclosure or to relocate it to the west side.

Mrs. Solada confirmed they would commit to a 75 square foot sign on the 116th Street elevation and to painting the dumpster enclosure every year.

Mr. Hawkins moved to approve **Docket Nos. 07020025V and 07020026V, Hamilton Beverage** with the **Commitments** of a 75 square foot sign and painting the dumpster enclosure each year. The motion was seconded by Mrs. Torres and **APPROVED 5-0.**

19-21i. Pinnacle Pointe – Signs

The applicant seeks the following development standards variance approvals:

Docket No. 07030018 V	Section 25.07.02-10.b	signs oriented south
Docket No. 07030019 V	Section 25.07.02-10.b	total number of signs
Docket No. 07030020 V	Section 25.07.02-10.b	sign types

The site is located at 12065 Old Meridian St. and is zoned B-6/Business within the US 31 Overlay.
Filed by Nancy Long of A-1 Expeditors, Inc.

Present for the Petitioner: Nancy Long, A-1 Expeditors, Inc. She apologized for missing last month's meeting. She shared pictures of this new commercial building with medical tenants. The parcel is triangular shaped with a rectangular building. Per the Ordinance, they are permitted one wall sign on each street frontage. Signage is not needed on the long sides of the building, as it would not be visible. For a multi-story, multi-tenant building, they are permitted one ground sign and one wall sign. With two different medical practices in the same building, they would prefer two signs on the south façade and two signs on the north façade. A ground sign would not be practical or visible.

Members of the public were invited to speak in favor or opposition to the petition; no one appeared.

Mrs. Barton-Holmes gave the Department Report. Due to the angle in which the streets intersect and the accessibility of the site, each tenant must be identified by a wall sign so that patrons of the site can easily identify the tenant's location and safely navigate to the site. Having all wall signs will appear cohesive in design and placement. The Department recommended positive consideration of the three variances.

Mr. Dierckman moved to approve **Docket Nos. 07030018 V-07030020 V, Pinnacle Point Signs**. The motion was seconded by Mr. Hawkins and **APPROVED 5-0**.

34-39i. TABLED Applegate Condominiums

~~The applicant seeks the following development standards variance and special use approvals:~~

~~**Docket No. 07010002 V** Section 23D.03.C.3.k(ii) **maximum building height**~~

~~**Docket No. 07010003 V** Section 23D.03.C.3.f(i) **parking in front yard**~~

~~**Docket No. 07010004 V** Section 23D.03.C.3.i(i) **roof pitch**~~

~~**Docket No. 07010005 V** Section 23D.03.C.3.a(ii) **building mass/width**~~

~~**WITHDRAWN Docket No. 07010006 V** Section 23D.03.C.3.e(ii) **landscape requirements**~~

~~**Docket No. 07010007 SU** Section 10.02.A **special uses**~~

~~**WITHDRAWN Docket No. 07010014 V** Section 23D.03.C.3.e.iii(b) **lot coverage over 70%**~~

~~The site is located at 130 Second St. NW., and is zoned R-4/Residence within the Old Town Overlay Character Subarea. Filed by Thomas Lazzara for On Track Properties, Inc.~~

J. New Business

There was no New Business.

K. Adjournment

Mrs. Torres moved to adjourn. The motion was seconded by Mr. Dierckman and **APPROVED 5-0**. The meeting adjourned at 8:50 PM.

James R. Hawkins, President

Connie Tingley, Secretary